

**Amendment**  
**U.S. Patent Application No. 10/638,554**

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application.

**Listing of Claims:**

1. (Currently Amended) An ear warmer, comprising:  
a cover having an outer member and an inner member, the outer member and the inner member defining an interior region therebetween;  
a frame, at least a portion of the frame being disposed in the interior region defined by the outer member and the inner member; ~~and~~  
a first membrane coupled to the cover, the first membrane and the inner member of the cover forming a first receptacle configured to receive at least a portion of an ear of a user between the membrane and the cover; and  
a second membrane coupled to the cover, the second membrane and the inner member of the cover forming a second receptacle configured to receive at least a portion of another ear of the user.
2. (Currently Amended) The ear warmer of claim 1, wherein the first membrane has a movable portion and a fixed portion, the first membrane has a deployed configuration and a retracted configuration, the movable portion of the first membrane being disposed adjacent the inner member when the first membrane is in its deployed configuration, at least a portion of the movable portion of the first membrane being disposed adjacent the outer member when the first membrane is in its retracted configuration.
3. (Currently Amended) The ear warmer of claim 1, wherein the cover has a first ear portion, a second ear portion, and a middle portion extending between the first ear portion and the second ear portion, and the first membrane is coupled to a portion of one of the first ear portion and the second ear portion.

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4. (Currently Amended) The ear warmer of claim 1, wherein the cover has an ear portion, the ear portion of the cover has a perimeter, the first membrane is coupled to the ear portion along a portion of the perimeter of the ear portion, the portion of the perimeter is less than the entire perimeter of the ear portion.
5. (Original) The ear warmer of claim 1, wherein the frame is configured to extend around a back of a head of the user.
6. (Canceled)
7. (Currently Amended) The ear warmer of claim 1, wherein the first membrane is coupled to the outer member of the cover.
8. (Currently Amended) The ear warmer of claim 1, wherein the first membrane is coupled to the inner member of the cover.
9. (Currently Amended) The ear warmer of claim 1, wherein a portion of the first membrane is disposed between the inner member of the cover and the outer member of the cover.
10. (Currently Amended) The ear warmer of claim 1, wherein the frame and the first membrane are configured to collectively secure the ear warmer to a head of the user.

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11. (Currently Amended) An ear warmer, comprising:

a frame having a first ear portion, a second ear portion, and a band extending between the first ear portion and the second ear portion;

a cover member coupled to the frame such that at least a portion of the first ear portion is covered by the cover member, the cover member including a first membrane portion and a second membrane portion, the first ear portion including an inner side and an outer side, the first membrane portion being disposed proximate to the inner side of the first ear portion and the second membrane portion being disposed proximate to the outer side of the second ear portion;  
and

a membrane coupled to at least one of the cover member and the frame, the membrane and the cover member forming a receptacle configured to receive at least a portion of an ear of a user between the membrane and the cover member, and the first membrane portion, the second membrane portion and the membrane are coupled together using a binding.

12. (Original) The ear warmer of claim 11, wherein the membrane has a movable portion and a fixed portion, the membrane has a deployed configuration and a retracted configuration, the cover member having an inner surface and an outer surface opposite the inner surface, the movable portion of the membrane is disposed adjacent the inner surface of the cover member when the membrane is in its deployed configuration, the movable portion of the membrane is disposed adjacent the outer surface of the cover member when the membrane is in its retracted configuration, the fixed portion of the membrane being fixedly coupled to the at least one of the cover member and the frame.

13. (Currently Amended) The ear warmer of claim 11, wherein ~~the first ear portion has a first side and a second side, and~~ the cover member is configured to cover a portion of the first side of the first ear portion less than an entirety of ~~the first side~~ one of the sides of the first ear portion.

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14. (Original) The ear warmer of claim 11, the cover member being a first cover member, the membrane being a first membrane, the receptacle being a first receptacle, the ear warmer further comprising:

a second cover member configured to cover at least a portion of the second ear portion;  
and

a second membrane coupled to at least one of the second cover member and the frame, the second membrane and the second cover member forming a second receptacle configured to receive at least a portion of another ear of the user.

15. (Original) The ear warmer of claim 11, wherein the frame is configured to extend around a back of a head of the user.

16. (Original) The ear warmer of claim 11, wherein a compression force applied by the frame and a friction force by the membrane collectively are configured to substantially secure the ear warmer to a head of the user.

17. (Currently Amended) The ear warmer of claim 11, wherein ~~the cover member includes a first membrane portion and a second membrane portion, the first ear portion including an inner side and an outer side, the first membrane portion being disposed proximate to the inner side of the first ear portion and the second membrane portion being disposed proximate to the outer side of the second ear portion,~~ the membrane having a first position and a second position, the distal end of the membrane being proximate to the first membrane portion in its first position and proximate to the second membrane portion in its second position.

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18. (Original) The ear warmer of claim 17, wherein the first membrane portion has a perimeter portion, the second membrane portion has its own perimeter portion, the first membrane portion being coupled to the second membrane portion along a portion of their perimeter portions, the membrane being coupled along a portion of the perimeter of the first membrane portion.

19. (Canceled)

20. (Original) The ear warmer of claim 11, wherein the frame has a deployed configuration and a collapsed configuration, the membrane being configured to be disposed in a first position and in a second position, the membrane being selectively disposable in one of the first position and the second position when the frame is in its deployed configuration.

21. (Currently Amended) The ear warmer of claim 20, wherein ~~the first ear portion has an inner side and an outer side,~~ the distal end of the membrane is configured to be disposed proximate to the outer side of the first ear portion in its first position and the membrane is configured to be disposed proximate to the inner side of the first ear portion in its second position.

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22. (Currently Amended) An ear warmer, comprising:

a frame;

a cover having an inner member and an outer member, the cover covering a portion of the frame less than the entirety of the frame, the cover including a perimeter; ~~and~~

a first membrane coupled along a portion of the perimeter of the cover, the first membrane having a first configuration and a second configuration, a portion of the first membrane being disposed adjacent the inner member of the cover when the first membrane is in its first configuration, the portion of the first membrane being disposed adjacent the outer member of the cover when the first membrane is in its second configuration; and

a second membrane coupled along a portion of the perimeter of the cover, the second membrane having its own first configuration and its own second configuration, a portion of the second membrane being disposed adjacent the inner member of the cover when the second membrane is in its first configuration, the portion of the second membrane being disposed adjacent the outer member of the cover when the second membrane is in its second configuration.

23. (Currently Amended) The ear warmer of claim 22, wherein the first membrane and the inner member of the cover forming a first receptacle when the first membrane is in its first configuration, the receptacle being configured to receive at least a portion of an ear of a user when the first membrane is in its first configuration, the second membrane and the inner member of the cover forming a second receptacle when the second membrane is in its first configuration, the receptacle being configured to receive at least a portion of another ear of the user when the second membrane is in its first configuration.

24. (Original) The ear warmer of claim 22, wherein the frame is configured to extend around a back of a head of a user.

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25. (Currently Amended) The ear warmer of claim 22, wherein a portion of the inner member, a portion of the outer member and a portion of the first membrane are coupled together proximate to the perimeter.

26. (Currently Amended) The ear warmer of claim 25, wherein the inner member has an ear portion with a perimeter, and the first membrane has an edge portion, the edge portion of the first membrane being coupled to the ear portion of the inner member proximate the perimeter of the ear portion.

27. (Currently Amended) An ear warmer, comprising:

a frame;

a cover having an inner side and an outer side, the cover covering a portion of the frame less than the entirety of the frame, the cover including a perimeter; ~~and~~

a first membrane coupled along a portion of the perimeter of the cover, the first membrane having a first configuration and a second configuration, a portion of the first membrane being disposed adjacent the inner side of the cover when the first membrane is in its first configuration, the portion of the first membrane being disposed adjacent the outer side of the cover when the first membrane is in its second configuration; and

a second membrane coupled along a portion of the perimeter of the cover, the second membrane having its own first configuration and its own second configuration, a portion of the second membrane being disposed adjacent the inner side of the cover when the second membrane is in its first configuration, the portion of the second membrane being disposed adjacent the outer side of the cover when the second membrane is in its second configuration.

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28. (Currently Amended) A method of manufacturing an ear warmer, having an inner member, an outer member, and a membrane, the method comprising:

disposing ~~one from the group of the inner member, the outer member, and the membrane~~ between ~~the remaining members from the group of the inner member and~~ the outer member, ~~and the membrane~~, the inner member and the outer member being coupled together to define an interior region therebetween, the interior region being configured to receive a frame, the membrane being configured to be disposed proximate to an outer surface of one of the inner member and the outer member outside of the interior region such that the membrane and the outer surface form a receptacle therebetween, the receptacle being configured to receive a portion of a user's ear between the membrane and the outer surface; and

coupling the group consisting of the inner member, the outer member, and the membrane.

29.-33. (Canceled)